



Attorney's Docket No.: 12758-016001
Client Ref.: 1998P02408WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stefan Hennen, et al. Art Unit : 2664
Serial No. : 09/763,483 Examiner : Jamal A. Fox
Filed : May 25, 2001 Confirmation No.: 7840
Title : TELECOMMUNICATIONS SYSTEM AND METHOD FOR PRODUCING A
MASTER CLOCK IN THE SAME

Mailstop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
EVIDENCE THAT A REPLY WAS TIMELY MAILED

In accordance with MPEP §711.03(c)(I)(B), Applicants hereby petition to withdraw the holding of abandonment in this application for allegedly failing to respond to the Notice Of Allowance dated June 15, 2005. In fact, as evidenced below, a response to the Notice of Allowance was timely filed on September 14, 2005, with the appropriate fee. Copies of the papers that were filed, which include certificates of mailing under 37 C.F.R. §1.8, are enclosed.

In this case, Applicants provided a return postcard (copy enclosed) along with the response to the Notice of Allowance; however, the return postcard with a PTO stamp was not received by the undersigned. Accordingly, Applicants are relying on certificates of mailing under 37 C.F.R. §1.8 as evidence that the response to the Notice of Allowance was timely filed.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 22, 2005
Date of Deposit

Denise M. Donahue
Signature

Denise M. Donahue
Typed or Printed Name of Person Signing Certificate

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As set forth in MPEP §711.03(c)(I)(B)

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application).

In this case, certificates of mailing were signed by the undersigned's assistant, Denise M. Donahue, on both the issue fee transmittal and an accompanying cover letter, copies of which are enclosed. Accordingly, Applicants are submitting herewith a Declaration from Denise M. Donahue attesting to timely mailing of a response to the Notice of Allowance. Applicants are also submitting a copy of a page of our mail log from September 14, 2005, which confirms that the response to the Notice of Allowance was mailed on that date.

In view of the foregoing, Applicants respectfully request for the Examiner to withdraw the holding of abandonment in this case.

Finally, since it appears that the PTO did not receive the response to the Notice of Allowance and the accompanying check for the issue fee, Applicants are submitting herewith a new response and a new check for the issue fee. Entry hereof is respectfully requested.

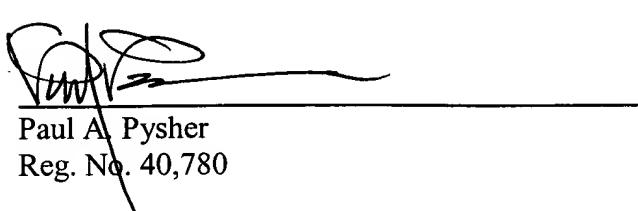
Applicants' undersigned attorney can be reached in our Boston Office at 617-521-7896. No fees are believed to be due for this Petition; however, if any fees are due in this application, please charge them to Deposit Account No. 06-1050 referencing Attorney Docket No. 12758-016001.

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Respectfully submitted,

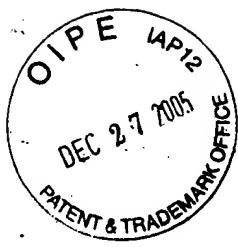
Date: December 22, 2005


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016wdrawabdnment.doc



Attorney's Docket No. 12758-016001	Express Mail Label No.	Mailing Date September 14, 2005	<i>For PTO Use Only Do Not Mark in This Area</i>
Application No. 09/763,483	Filing Date May 25, 2001	Attorney/Secretary Init PAP/dwd	
Title of the Invention TELECOMMUNICATIONS SYSTEM AND METHOD FOR PRODUCING A MASTER CLOCK IN THE SAME			
Applicant Stefan Hennen, et al.			
Client Reference No. 1998P02408WOUS			
Enclosures			
<ul style="list-style-type: none">· Response to Notice of Allowance dated June 15, 2005 (1 page)· Check in the amount of \$1709.00· Issue Fee Transmittal (Part B) (1 page)· Request for Three (3) Patent Copies			
FR			



FR FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

c 199316

PAY One thousand seven hundred nine DOLLARS

TO THE ORDER OF	DATE	AMOUNT
COMMISSIONER OF PATENTS AND TRADEMARKS	Apr 14, 2005	1,109 .00

FISH & RICHARDSON P.C.

BY

dwa/12158. ab001

52-153/112



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South Portland, ME

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PATENT SERVICES US RESPONSE LOG

DATE	CLIENT / MATTER NO.	ATTY/SEC	ACTION / COMMENTS	PATTSY UPDATED
9/9	07470-089001	ES/lnk	Miss Part	
	02894-694001	ES/lnk	Response	
	06129-105000	ES/lnk	Response	
	65918-259001	W/W/lnk	Issue Fee	
9/12	14675-010001	C/C/CXC	Response	
	01194-438001	TPM/czn	Response	
	12144-015001	C/C/CXC	Missing Parts	
	10559-079001	SH/r22	Issue Fee	
	14944-006001	TPM/czn	IDS - no envelope	
	12716-004002	JPF/mj	Issue Fee	
	10296-065001	RKT/mkf	Response / IDS	
9/15	02894-683001	S20/CXC	Response	
	10274-111001	JK/lnk	Missing Reg. / See	
9/14	09765-021001	DGM/mgc	Ntc of Appeal / Appeal Brief	
	12221-006001	DGM/mgc	At TRLC / IDS	
	10278-029002	JK/lnk	RCE / IDS	
	12788-016001	PAw/dad	Issue Fee	
	10527-609004	TXN/mkf	Missing Parts	
9/10	13612-003001	JK/lnk	Response	
9/16	13630-014001	M20/CXC	Issue Fee	
	13292-012001	PAw/dad	Issue Fee	
	15626-048129	S20/lnk	IDS	
	08949-063001	RKT/mkf	RCE	
	13681-003002	JK/lnk	Response / Ntc of Appeal	
	08987-013001	JK/lnk	Issue Fee	
	10527-0628001	JK/lnk	Response	
	12886-002001	RKT/mkf	Issue Fee	
	14219-083001	PAw/dad	Response	
9/19	10027-400002	JK/lnk	Response	
	14074-012001	JK/lnk	Response	



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,483	05/25/2001	Stefan Hennen	12758-016001	7480
7590	11/23/2005		EXAMINER	
FAUSTINO A. LICHAUCO FISH & RICHARDSON, P.C. 225 FRANKLIN STREET BOSTON, MA 02110			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment	Application No.	Applicant(s)
	09/763,483	Hennen
	Examiner	Art Unit
	FOX	2664

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
 The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

sik

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment